

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JULY 3, 2012

AMENDED IN SENATE JUNE 20, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 18, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2402

Introduced by Assembly Member Huffman

February 24, 2012

An act to amend Sections 37, 39, 700, 1002, ~~2068, 2070, 2071, 2071.5, 2072.7, 2073, 2073.3, 2073.5, 2073.7, 2074, 2074.2, 2074.4, 2074.6, 2074.8, 2075, 2075.5, 2076.5, 2077, 2078, 2079, 2080, 2082, 2084, 1002.5, 2089.4, 2099, 2536, 2540, 3031.2, 6651, 7149.8, and 8598.3, and 13014~~ of, *to amend, repeal, and add Sections 2074.2, 2074.6, 2074.8, and 2075.5 of*, to add Sections 13.5, 33, 43, ~~702.1, 703.3, 702.1, 703.3, 703.5, 715, 1020, 1065, 1745, 2090, 12028, and 13205~~ to, and to add Article 7 (commencing with Section 1225) to Chapter 3 of Division 2 of, the Fish and Game Code, to amend Section 12805 of the Government Code, and to amend Section 4800 of the Labor Code, relating to fish and wildlife resources, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2402, as amended, Huffman. Department of Fish and Game: Fish and Game Commission.

(1) Existing law establishes the Department of Fish and Game and the Fish and Game Commission and sets forth the powers and duties of that department and commission.

This bill would make *legislative* findings and declarations ~~of the Legislature concerning the process of developing regarding the development of~~ a strategic vision for the department and the commission pursuant to Chapter 424 of the Statutes of 2010, ~~as specified. This.~~ *The* bill would require the department and the commission to develop a strategic plan to implement proposals arising from the strategic vision, any legislation enacted relating to the strategic vision process, and the department's own proposals for reform. ~~This~~ *The* bill would authorize the department and the commission to contract for consultants to assist in the preparation of the strategic plan.

The bill would make specified statements of policy relating to the use of ecosystem-based management, adaptive management, and credible science, as defined, *and to department and commission partnerships, collaborations, and coordination with other entities.*

~~The bill would state the intent of the Legislature regarding department and commission partnerships and collaborations with other agencies and stakeholders. This bill would provide that it is the intent of the Legislature that the department is encouraged, to the extent feasible and subject to available resources, to establish and coordinate an environmental crimes task force.~~

~~This bill would state the intent of the Legislature to extend the conservation benefits derived from investments made as part of compensatory mitigation to public lands, and that the department work with the Bureau of Land Management and interested stakeholders to develop a viable solution that will ensure durable mitigation and protection of mitigation lands on federal lands in perpetuity.~~

~~This~~

The bill would rename the department as the Department of Fish and Wildlife, and would make related changes, *including changing the name of the director to the Director of Fish and Wildlife.* The bill would prohibit existing supplies, forms, insignias, signs, logos, uniforms, or emblems from being destroyed or changed as a result of changing the name of the department, and would require their continued use until exhausted or unserviceable.

~~The bill would require the Director of Fish and Wildlife, in consultation with the Natural Resources Agency, to establish an~~

~~independent science advisory panel to provide advice and recommendations to the department and the commission.~~

The bill would require the director, in consultation with the Natural Resources Agency, to establish a prescribed formal program, and would authorize it to be called the Science Institute, to assist the department and commission in obtaining independent scientific review, advice, and recommendations to help inform the scientific work of the department and commission.

~~This~~

The bill would authorize the department to enter into agreements to accept funds, services, or to assist the department in its efforts to secure long-term private funding sources for purposes relating to conservation programs, projects, and activities by the department, as specified.

(2) Under existing law, the changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services is used as the index to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, and tags. Under existing law, the department issues scientific collecting permits, lifetime hunting licenses, guide licenses, abalone report cards, kelp harvester licenses, and marine aquaria collector's permits, and existing law establishes base fees for those entitlements, adjusted annually pursuant to the index.

This bill would require the commission to adjust the amount of the fees for lifetime hunting licenses, guide licenses, abalone report cards, kelp harvester licenses, and marine aquaria collector's permits, as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those ~~licenses~~ licenses or permits. *The bill would revise the scientific collecting permit provisions to extend the general permit period from 24 to 36 months, to add an application fee, and increase the permit fee from \$30 to \$300. The bill would also revise special student permit provisions for collegiate or commercial fishing class students to add an application fee of \$25 and increase the permit fee from \$10 to \$50. The bill would delete an existing nonresident permit.* The bill would ~~require~~ authorize the department to adjust the amount of the fees for scientific collecting permits *and special student permits* as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department ~~and the commission~~ relating to those permits.

(3) Existing law, except as expressly provided otherwise, makes violations of the Fish and Game Code, or of any rule, regulation, or

order made or adopted under that code, a misdemeanor. Existing law sets prescribed fines and penalties for specified violations.

~~This bill would require the department, by January 1, 2015, to modify its Automated License Data System to include information on all violations of the code and regulations adopted pursuant to the code. The bill would require the department, by January 1, 2015, to modify electronic field equipment utilized by fish and game wardens to give fish and game wardens access to Automated License Data System information in the field.~~

~~This~~

The bill would require the department, on or before January 1, 2016, to maintain a statewide electronic system to manage citations issued by fish and game wardens, to the extent feasible, as prescribed prepare and submit to the relevant policy and fiscal committees of the Legislature a feasibility study report on an electronic system to manage citations issued by fish and game wardens, exchange information on citations with the courts, and transfer data on court dispositions to the Automated License Data System.

(4) Existing law requires, unless otherwise provided, that all money collected under the provisions of the Fish and Game Code and of any other law relating to the protection and preservation of birds, mammals, fish, reptiles, or amphibia be paid into the State Treasury to the credit of the Fish and Game Preservation Fund.

This bill would provide that moneys collected or received from gifts or bequests, or from municipal or county appropriations, or donations for purposes relating to conservation programs, projects, and activities by the department are to be deposited in the State Treasury to the credit of the ~~Fish and Game Preservation Fund~~ *fund* and used for prescribed purposes.

(5) Existing law establishes specific accounts within the ~~Fish and Game Preservation Fund~~ *fund*, including, but not limited to, the Big Game Management Account, and the department has established other accounts within the fund.

This bill would require the Augmented Deer Tags Account, Bighorn Sheep Permit Account, and Wild Pig Account within the fund to be consolidated and any remaining funds in these accounts transferred to the Big Game Management Account. The bill would require the department, after consultation with the Department of Finance and the Legislative Analyst's Office, to provide recommendations to the Legislature for consolidation of additional dedicated accounts within

the fund if, in the determination of the department, consolidation would serve to reduce administrative costs to the department and enhance its ability to meet current needs, while still preserving the stated purposes of the dedicated accounts.

~~(6) Existing law requires the Department of Fish and Game to operate lands, or lands and water, acquired for public shooting grounds, state marine recreational management areas, or wildlife management areas on a nonprofit basis (collectively, department-operated lands). Existing law states that multiple recreational use of wildlife management areas is desirable and requires the Fish and Game Commission to encourage multiple recreational use. Existing law authorizes the commission to determine and fix the amount of, and authorizes the department to collect, fees for any use privileges.~~

~~The bill, commencing January 1, 2015, would require the purchase of an entry permit, as specified, for access to department-managed lands for uses other than hunting and fishing, except as provided. The bill would make the failure to obtain a permit an infraction, as specified.~~

~~(7)~~

(6) Existing law, the California Endangered Species Act (CESA) requires the commission to establish a list of endangered species and a list of threatened species, and requires the department to recommend, and the commission to adopt, criteria for determining if a species is endangered or threatened. Under existing law CESA, an interested person may petition the commission to add a species to, or remove a species from, either the list of endangered species or the list of threatened species, and existing law requires the commission to consider the petition *at a meeting*, as prescribed.

~~This bill would instead require the department to establish a list of endangered species and a list of threatened species, and would require the department to adopt criteria for determining if a species is endangered or threatened. This bill would require an interested person to petition the department and require the department to consider the petition, as specified.~~

This bill, until January 1, 2017, would establish an alternate process for the review of a petition, including public hearings.

~~(8) Existing law establishes the Fish and Game Mitigation and Protection Endowment Principal Account in the Special Deposit Fund, with money in the account available upon appropriation by the Legislature. Existing law also establishes the Fish and Game Mitigation and Protection Expendable Funds Account in that fund, with money in~~

~~the account continuously appropriated to the department for specified purposes. The department is authorized to deposit moneys in these accounts for purposes that include mitigating adverse biological impacts of a specific project, activity, spill, or release, and protecting, conserving, restoring, enhancing, managing, and maintaining fish, wildlife, native plants, or their habitats. Existing law requires the Treasurer, at the department's request, to transfer those funds from the Pooled Money Investment Account to another account within the State Treasury system to increase earnings over time while providing adequate liquidity. Existing law also authorizes the department to retain investment advisers to develop and maintain the investment strategy for these accounts.~~

~~This bill would instead authorize the department to invest or direct the investment of the assets of these accounts through the purchase, holding, or sale of any investment, financial instrument, or financial transaction when prudent in the informed opinion of the department. This bill would also authorize the department to contract with a person or entity, as specified, that has demonstrated expertise in the management of diverse investment portfolios.~~

~~Existing law, the Uniform Prudent Management of Institutional Funds Act (UPMIFA) governs the management and use of endowed institutional funds held by charitable institutions. UPMIFA, among other things, provides that a rebuttable presumption of imprudence is created by the appropriation for expenditure in any year of an amount greater than 7% of the fair market value of an endowment fund, calculated as prescribed.~~

~~This bill would require the department to hold, manage, and invest all moneys in the Fish and Game Mitigation and Protection Endowment Principal Account and the Fish and Game Mitigation and Protection Expendable Funds Account consistent with the management and investment principles set forth in UPMIFA. This bill would also continuously appropriate to the department moneys in the Fish and Game Mitigation and Protection Endowment Principal Account, subject to the limitations imposed by the presumption described above.~~

~~Existing~~

~~(7) Existing law establishes the Renewable Energy Resources Development Fee Trust Fund (*the development fee trust fund*) as a continuously appropriated fund in the State Treasury to serve, and be managed, as an optional, voluntary method for developers or owners of eligible projects, as defined, to deposit fees sufficient to complete mitigation actions established by the department and thereby meet their~~

requirements pursuant to CESA or the certification authority of the State Energy Resources Conservation and Development Commission. Existing law requires that a specified sum of money be transferred, as a loan, from the Renewable Resource Trust Fund to the ~~Renewable Energy Resources Development Fee Trust Fund (the fund)~~ *development fee trust fund* and be repaid from the *development fee trust fund* to the Renewable Resource Trust Fund no later than December 31, 2012.

This bill would make an appropriation by extending the date of repayment of this loan to December 31, 2013.

(9)

(8) Existing *law governing* workers' compensation ~~law~~ provides that whenever any member of the Department of Justice falling within the "state peace officer/firefighter" class or when a harbor policeman employed by the San Francisco Port Commission, as described, is disabled by injury arising out of and in the course of his or her duties, he or she shall become entitled, regardless of his or her period of service to a leave of absence while so disabled without loss of salary, in lieu of disability payments, for a period not exceeding one year.

This bill would ~~provide that the above provision also applies~~ *apply those provisions* to a law enforcement officer employed by the department.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) In 2010, the Legislature passed and the Governor signed
- 3 Assembly Bill 2376 (Ch. 424, Stats. 2010), which established a
- 4 process to develop a strategic vision for the Department of Fish
- 5 and Game and the Fish and Game Commission.
- 6 (b) Pursuant to Assembly Bill 2376, the Natural Resources
- 7 Agency appointed an executive committee, a blue ribbon
- 8 commission, and a broad-based stakeholder group, and established
- 9 a public process that is focused on improving and enhancing the
- 10 capacity of both the Department of Fish and Game and the Fish
- 11 and Game Commission to protect and manage California's fish
- 12 and wildlife.
- 13 (c) All groups and individuals with an interest in improving the
- 14 work of the department and the commission have been invited to

1 participate in the stakeholder group process. Numerous public
2 meetings have been held and extensive information on the process
3 and the comments received to date are available on the Internet
4 Web site of the Department of Fish and Game. The process is still
5 underway and a final report is due to the Legislature by June 2012.

6 (d) The policy chairs of the committees of the Legislature with
7 subject matter jurisdiction shall consider proposed legislation to
8 address many of the draft recommendations of the California Fish
9 and Wildlife Strategic Vision and other reforms necessary to satisfy
10 the mandate of Assembly Bill 2376. Some of the content of the
11 proposed legislation reflects suggestions contained in the draft
12 interim strategic vision report released by the department and the
13 commission on November 22, 2011. The proposed legislation may
14 be amended from time to time to reflect additional
15 recommendations as the stakeholder and blue ribbon commission
16 process and final reports of the executive committee are completed.

17 *SEC. 2. It is the intent of the Legislature that investments in*
18 *habitat protection and restoration made as part of compensatory*
19 *mitigation to retain and enhance biological values for listed species*
20 *are perpetual and supported with long-term management. To*
21 *extend the conservation benefits derived from these investments*
22 *to public lands, it is the further intent of the Legislature that the*
23 *department work with the federal Bureau of Land Management*
24 *and interested stakeholders to develop a viable solution that will*
25 *ensure durable mitigation and protection of mitigation lands on*
26 *federal lands in perpetuity.*

27 ~~SEC. 2.~~

28 *SEC. 3.* Section 13.5 is added to the Fish and Game Code, to
29 read:

30 13.5. "Adaptive management," unless otherwise specified in
31 this code, means management that improves the management of
32 biological resources over time by using new information gathered
33 through monitoring, evaluation, and other credible sources as they
34 become available, and adjusts management strategies and practices
35 to assist in meeting conservation and management goals. Under
36 adaptive management, program actions are viewed as tools for
37 learning to inform future actions.

38 ~~SEC. 3.~~

39 *SEC. 4.* Section 33 is added to the Fish and Game Code, to
40 read:

33. “Credible science” means the best available scientific information that is not overly prescriptive due to the dynamic nature of science, and includes the evaluation principles of relevance, inclusiveness, objectivity, transparency, timeliness, verification, validation, and peer review of information as appropriate. Credible science also recognizes the need for adaptive management, *as defined in Section 13.5*, as scientific knowledge evolves.

~~SEC. 4.~~

SEC. 5. Section 37 of the Fish and Game Code is amended to read:

37. “Department” means the Department of Fish and Wildlife.

~~SEC. 5.~~

SEC. 6. Section 39 of the Fish and Game Code is amended to read:

39. “Director” means the Director of Fish and Wildlife.

~~SEC. 6.~~

SEC. 7. Section 43 is added to the Fish and Game Code, to read:

43. “Ecosystem-based management” means an environmental management approach relying on credible science, as defined in Section 33, that recognizes the full array of interactions within an ecosystem, including humans, rather than considering single issues, species, or ecosystem services in isolation.

~~SEC. 7.~~

SEC. 8. Section 700 of the Fish and Game Code is amended to read:

700. (a) There is in the Natural Resources Agency a Department of Fish and Wildlife administered through the director.

(b) The Department of Fish and Wildlife shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, property, and jurisdiction previously vested in the Department of Fish and Game.

(c) Whenever the term “Department of Fish and Game” appears in a law, the term means the “Department of Fish and Wildlife.”

(d) No existing supplies, forms, insignias, signs, logos, uniforms, or emblems shall be destroyed or changed as a result of changing the name of the Department of Fish and Game to the Department of Fish and Wildlife, and those materials shall continue to be used until exhausted or unserviceable.

1 ~~SEC. 8.~~

2 ~~SEC. 9.~~ Section 702.1 is added to the Fish and Game Code, to
3 read:

4 702.1. (a) The department, *on or before January 1, 2016*,
5 shall ~~maintain a statewide electronic system to manage citations~~
6 ~~issued by fish and game wardens and, to the extent feasible, the~~
7 ~~department shall do all of the following: prepare and submit to~~
8 ~~the relevant policy and fiscal committees of the Legislature a~~
9 ~~feasibility study report on an electronic system to manage citations~~
10 ~~issued by fish and game wardens, exchange information on~~
11 ~~citations with the courts, and transfer data on court dispositions~~
12 ~~to the Automated License Data System.~~

13 ~~(a) Electronically file citations with the court.~~

14 ~~(b) Receive electronic reporting from courts on case dispositions.~~

15 ~~(c) Electronically track court imposed fines and penalties to~~
16 ~~ensure collection of funds by the department.~~

17 ~~(d) Electronically report court dispositions to the Automated~~
18 ~~License Data System to enhance tracking of violations and allow~~
19 ~~efficient handling of license or permit suspensions, revocations,~~
20 ~~or court orders.~~

21 ~~(b) (1) Pursuant to Section 10231.5 of the Government Code,~~
22 ~~the requirement for submitting a report pursuant to subdivision~~
23 ~~(a) shall become inoperative on January 1, 2017.~~

24 ~~(2) A report to be submitted pursuant to subdivision (a) shall~~
25 ~~be submitted in compliance with Section 9795 of the Government~~
26 ~~Code.~~

27 ~~SEC. 9.~~

28 ~~SEC. 10.~~ Section 703.3 is added to the Fish and Game Code,
29 to read:

30 703.3. It is the policy of the state that the department and
31 commission use ecosystem-based management informed by
32 credible science in all resource management decisions to the extent
33 feasible. It is further the policy of the state that scientific
34 professionals at the department and commission, and all resource
35 management decisions of the department and commission, be
36 governed by a scientific quality assurance and integrity policy,
37 and follow well-established standard protocols of the scientific
38 profession, including, but not limited to, the use of peer review,
39 publication, and science review panels where appropriate. Resource

1 management decisions of the department and commission should
2 also incorporate adaptive management to the extent possible.

3 ~~SEC. 10.~~

4 *SEC. 11.* Section 703.5 is added to the Fish and Game Code,
5 to read:

6 703.5. It is the ~~intent of the Legislature that~~ *policy of the state*
7 *as follows:*

8 (a) *That* the department and the commission seek to create,
9 foster, and actively participate in effective partnerships and
10 collaborations with other agencies and stakeholders to achieve
11 shared goals and to better integrate fish and wildlife resource
12 conservation and management with the natural resource
13 management responsibilities of other agencies. ~~To that end, the~~

14 (b) *That the* department and commission ~~are encouraged to~~
15 participate in interagency coordination processes that facilitate
16 consistency and efficiency in review of projects requiring multiple
17 permits, including, but not necessarily limited to, joint state,
18 federal, and local permit review teams that enable early
19 consultation with project applicants, and provide improved sharing
20 of data, information, tools, and science to achieve better alignment
21 of planning, policies, and regulations across agencies.

22 ~~SEC. 11.~~ Section 715 is added to the Fish and Game Code, to
23 read:

24 715. (a) ~~As used in this section, “panel” means the independent~~
25 ~~science advisory panel established pursuant to subdivision (b).~~

26 (b) ~~The director, in consultation with the Natural Resources~~
27 ~~Agency, shall establish an independent science advisory panel to~~
28 ~~provide advice and recommendations to the department and the~~
29 ~~commission. The panel shall be composed of no more than 10~~
30 ~~members recommended by the director and approved by the~~
31 ~~Secretary of the Natural Resources Agency. The term of office~~
32 ~~shall be for five years. A member shall not serve more than two~~
33 ~~consecutive terms and shall not receive state compensation for~~
34 ~~membership on the panel. Members of the panel shall be scientific~~
35 ~~experts in their fields with expertise in biological sciences and~~
36 ~~with a range of multidisciplinary expertise pertinent to the work~~
37 ~~of the department and the commission. The purpose of the panel~~
38 ~~shall be to assist the department and the commission in establishing~~
39 ~~an independent and objective view of the scientific issues~~
40 ~~underlying important policy decisions.~~

1 ~~(e) The duties of the panel shall include, but not necessarily be~~
2 ~~limited to, the following:~~

3 ~~(1) Providing oversight of the scientific research, monitoring,~~
4 ~~and assessment programs that support the department's and the~~
5 ~~commission's work with fish and wildlife species and their habitats.~~

6 ~~(2) Providing the best available independent scientific~~
7 ~~information and advice to guide and inform department and~~
8 ~~commission decisions.~~

9 ~~(3) Promoting and facilitating independent scientific peer review.~~

10 ~~(4) Promoting science-based adaptive management.~~

11 ~~(5) Ensuring scientific integrity and transparency in~~
12 ~~decisionmaking.~~

13 ~~(d) The panel may recommend and consult with other~~
14 ~~independent scientific experts with specialized expertise as needed~~
15 ~~for independent peer review of department reports, including, but~~
16 ~~not limited to, status review reports prepared for purposes of~~
17 ~~informing decisions on petitions for listing of species under the~~
18 ~~California Endangered Species Act (Chapter 1.5 (commencing~~
19 ~~with Section 2050) of Division 3).~~

20 ~~(e) The panel shall develop a proposed scientific integrity policy~~
21 ~~to guide the work of the department and the commission. The~~
22 ~~scientific integrity policy may include, but is not necessarily limited~~
23 ~~to, an ethical code of conduct for department scientists, standards~~
24 ~~for independent peer review, and other best practices for ensuring~~
25 ~~scientific integrity and public confidence in department and~~
26 ~~commission work products and decisions.~~

27 ~~(f) For marine fisheries and other marine resources, the~~
28 ~~department may utilize the California Ocean Science Trust for the~~
29 ~~purposes of this section.~~

30 ~~SEC. 12. Section 715 is added to the Fish and Game Code, to~~
31 ~~read:~~

32 ~~715. (a) The director, in consultation with the Natural~~
33 ~~Resources Agency, shall establish a formal program, which may~~
34 ~~be called the Science Institute, to assist the department and~~
35 ~~commission in obtaining independent scientific review, and~~
36 ~~recommendations to help inform the scientific work of the~~
37 ~~department and the commission. The program shall include one~~
38 ~~or more ad hoc independent scientific committees consisting of~~
39 ~~independent scientists who are scientific experts in their fields with~~
40 ~~expertise in biological sciences and with a range of~~

1 *multidisciplinary expertise pertinent to the work of the department*
2 *and the commission, and which may be convened pursuant to this*
3 *section. The purpose of the program shall be to assist the*
4 *department and the commission in obtaining and establishing an*
5 *independent and objective view of the scientific issues underlying*
6 *important policy decisions.*

7 *(b) The objectives of the program shall include, but not*
8 *necessarily be limited to, the following:*

9 *(1) Providing independent scientific guidance of the scientific*
10 *research, monitoring, and assessment programs that support the*
11 *department's and the commission's work with fish and wildlife*
12 *species and their habitats.*

13 *(2) Providing the best available independent scientific*
14 *information and advice to guide and inform department and*
15 *commission decisions.*

16 *(3) Promoting and facilitating independent scientific peer*
17 *review.*

18 *(4) Promoting science-based adaptive management.*

19 *(5) Ensuring scientific integrity and transparency in*
20 *decisionmaking.*

21 *(c) The department may consult with members of the ad hoc*
22 *scientific committees to assist the department in identifying other*
23 *independent scientific experts with specialized expertise as needed*
24 *for independent peer review of department reports, including, but*
25 *not limited to, status review reports prepared for purposes of*
26 *informing decisions on petitions for listing of species under the*
27 *California Endangered Species Act (Chapter 1.5 (commencing*
28 *with Section 2050) of Division 3).*

29 *(d) The department shall consult with independent scientific*
30 *advisors to develop and revise as necessary a scientific integrity*
31 *policy to guide the work of the department and the commission.*
32 *The scientific integrity policy may include, but is not necessarily*
33 *limited to, an ethical code of conduct for department scientists,*
34 *standards for independent peer review, and other best practices*
35 *for ensuring scientific integrity and public confidence in*
36 *department and commission work products and decisions.*

37 *(e) For marine fisheries and other marine resources, the*
38 *department may utilize the California Ocean Science Trust for the*
39 *purposes of this section.*

1 ~~SEC. 12.~~

2 ~~SEC. 13.~~ Section 1002 of the Fish and Game Code is amended
3 to read:

4 1002. (a) The department may issue permits, subject to
5 restrictions and regulations that the ~~commission~~ *department*
6 determines are desirable, to take or possess, in any part of the state,
7 for scientific, educational, or propagation purposes, mammals,
8 birds and the nests and eggs thereof, fish, amphibians, reptiles, or
9 any other form of plant or animal life.

10 (b) The department may issue a permit that is valid for ~~24~~ 36
11 months from the date of issuance ~~to a resident of this state on the~~
12 payment of a ~~base nonrefundable application fee of one hundred~~
13 ~~dollars (\$100) and a permit fee of thirty dollars (\$30)~~ *three*
14 *hundred dollars (\$300)*, as adjusted under Section 713.

15 (c) Notwithstanding subdivision (b), the department may issue
16 a permit without fee that is valid for 12 months from the date of
17 issuance ~~for either of the following purposes: to authorize only the~~
18 ~~banding of birds and the exhibition of live or dead wildlife~~
19 ~~specimens by public zoological gardens, scientific, or educational~~
20 ~~institutions.~~

21 ~~(1) To authorize only the banding of birds and the exhibition~~
22 ~~of live or dead wildlife specimens by public zoological gardens,~~
23 ~~scientific, or educational institutions.~~

24 ~~(2) To a student who is regularly enrolled in a commercial~~
25 ~~fishing class in a school operating under the jurisdiction of the~~
26 ~~State Board of Education or in a commercial fishing class in a~~
27 ~~community college and to a faculty member of those schools or a~~
28 ~~community college when conducting a regularly enrolled class in~~
29 ~~commercial fishing. Any permit issued under this paragraph shall~~
30 ~~be valid only when the student is under the direct supervision of~~
31 ~~the instructor who is approved by the school or community college~~
32 ~~to teach the class and who has obtained a permit under subdivision~~
33 ~~(b) or this paragraph from the department. All fish taken shall be~~
34 ~~taken in accordance with state law, except that Sections 7850,~~
35 ~~7880, and 7881 do not apply to persons or equipment operating~~
36 ~~under this paragraph. All fish taken under a permit issued under~~
37 ~~this paragraph may be sold only to a person licensed to receive~~
38 ~~fish from commercial fishermen as provided in Section 8032 or~~
39 ~~8033 or donated to a charitable institution. All funds received from~~

1 ~~the sale of the fish shall be used solely for the support of the~~
2 ~~commercial fishing classes.~~

3 (d) (1) The department may issue a special student permit that
4 is valid for 12 months from the date of issuance on the payment
5 of a ~~base nonrefundable application fee of twenty-five dollars (\$25)~~
6 ~~and a permit fee of ten fifty dollars (\$10) (\$50)~~, as adjusted under
7 Section 713, to any student in a school of collegiate level *or a*
8 *commercial fishing class* who is required by an instructor ~~in~~
9 ~~wildlife research in the school~~ to collect specimens used in
10 laboratory work in the school under supervision and in connection
11 with a course in wildlife research or in the conduct of wildlife
12 investigations and studies on behalf of the public.

13 (e) ~~The department may issue a nonresident permit that is valid~~
14 ~~for 24 months from the date of issuance on application and payment~~
15 ~~of a base fee of one hundred dollars (\$100) as adjusted under~~
16 ~~Section 713.~~

17 (2) *All fish taken under permit for a commercial fishing class*
18 *student shall be taken in accordance with state law, except that*
19 *Sections 7850, 7880, and 7881 do not apply. All fish taken under*
20 *a permit for a commercial fishing class student may be sold only*
21 *to a person licensed to receive fish from commercial fishermen as*
22 *provided in Section 8032 or 8033 or donated to a charitable*
23 *institution. All funds received from the sale of the fish shall be*
24 *used solely for the support of commercial fishing classes.*

25 (f) ~~(f)~~
26 (e) It is not necessary for the ~~possessor~~ *holder* of the permit to
27 have a sport fishing or hunting license to collect any fish,
28 *amphibian*, reptile, aquatic animal or plant, bird, or mammal for
29 scientific, educational, or propagation purposes in this state.

30 (g) ~~(g)~~
31 (f) Nothing in this section authorizes any act which violates
32 Section 597 of the Penal Code.

33 (h) ~~(h)~~
34 (g) A permit under this section does not authorize the taking of
35 fish or mammals from the ocean waters of this state which are
36 within the boundaries of any city if the city has filed with the
37 department an objection to the taking.

38 (i) ~~(i)~~
39 (h) The adjustment of the ~~base nonrefundable application fee~~
40 ~~and permit fees pursuant to Section 713 that is~~ *are* specified in

subdivisions (b), ~~(d), and (e)~~ and (d) shall be applicable to permits issued on or after January 1, ~~1991~~ 2013.

(j) ~~The department shall adjust the amount of the fees specified in subdivisions (b), (d), and (e) as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those permits.~~

(i) *The department, by regulation, may adjust the amount of the fees specified in subdivisions (b) and (d) as necessary to fully recover, but not exceed, all reasonable administrative and implementation costs of the department relating to those permits.*

(j) *No permit under this section is required for species listed as threatened or endangered pursuant to the California Endangered Species Act, when an entity holds a valid permit or memorandum of understanding for the subject species and the proposed activities, issued pursuant to Section 2081.*

(k) *No permit under this section is required for fully protected species listed in Section 3511, 4700, 5050, or 5515 if the entity holds a valid memorandum of understanding issued by the department for the subject species and proposed activities, in accordance with the respective section.*

(l) *A permit or amendment issued pursuant to Section 1002 is not transferable between individuals or entities.*

(m) *If a permitholder fails to submit information or reports required in a permit, the department shall revoke an existing permit, and may decline to issue a permit to that person or entity in subsequent years.*

SEC. 14. Section 1002.5 of the Fish and Game Code is amended to read:

1002.5. (a) ~~The department may issue a permit for scientific purposes pursuant to Section 1002 to a California-certified small business, an aquarium accredited by the Association of Zoos and Aquariums, or other appropriate institution~~ *an appropriate public, private, or nonprofit entity, or a person, as determined by the department, in the name of a principal scientific investigator or the permitted entity or person.*

(b) *The department may approve individual temporary employees or volunteers to work under the permit, after receiving notification from the permittee. The permittee shall have adequate supervision over any temporary employees or volunteers approved to work under the permit.*

1 (c) A permittee that allows a temporary employee or volunteer
2 to work under a permit without approval from the department in
3 accordance with this section is subject to Section 12000.

4 (d) The department shall charge a fee pursuant to subdivision
5 (b) of Section 1002 for the issuance of a permit authorized by this
6 section. If the department determines that the costs to issue a permit
7 authorized by this section are greater than the costs to issue a permit
8 pursuant to Section 1002, the department may charge a permit fee
9 in an amount that is greater than the amount imposed by
10 subdivision (b) of Section 1002 to recover those additional costs.

11 (e) The department may amend a permit issued under this
12 section, including, but not limited to, the addition or removal of
13 individual temporary employees or volunteers working under the
14 permit, on the payment of a ~~base fee of sixty dollars (\$60)~~
15 *nonrefundable application fee of one hundred dollars (\$100)*, as
16 adjusted under Section 713 *or regulations adopted by the*
17 *department.*

18 ~~SEC. 13.~~

19 *SEC. 15.* Section 1020 is added to the Fish and Game Code,
20 to read:

21 1020. (a) The department and the commission shall develop
22 a strategic plan to implement proposals arising from any of the
23 following:

24 (1) The strategic vision developed and submitted to the Governor
25 and the Legislature pursuant to Section 12805.3 of the Government
26 Code.

27 (2) Any legislation enacted relating to the strategic vision
28 process.

29 (3) The department's own proposals for reform.

30 (b) (1) The department and the commission may contract for
31 consultants to assist in the preparation of the strategic plan pursuant
32 to subdivision (a).

33 (2) Contracts entered into pursuant to paragraph (1) shall
34 terminate no later than December 31, 2015.

35 (3) Contracts entered into pursuant to paragraph (1) shall be
36 exempt from Part 2 (commencing with Section 10100) of Division
37 2 of the Public Contract Code.

38 ~~SEC. 14.~~ ~~Section 1065 is added to the Fish and Game Code,~~
39 ~~to read:~~

1 ~~1065. The department, by January 1, 2015, shall modify its~~
2 ~~Automated License Data System to include information on all~~
3 ~~violations of this code and regulations adopted pursuant to this~~
4 ~~code. The department, by January 1, 2015, shall modify electronic~~
5 ~~field equipment utilized by fish and game wardens to give fish and~~
6 ~~game wardens access to Automated License Data System~~
7 ~~information in the field.~~

8 ~~SEC. 15.~~

9 *SEC. 16.* Article 7 (commencing with Section 1225) is added
10 to Chapter 3 of Division 2 of the Fish and Game Code, to read:

11
12 Article 7. Nonprofit Partnerships
13

14 1225. All moneys collected or received from gifts or bequests,
15 or from municipal or county appropriations or donations for
16 purposes relating to conservation programs, projects, and activities
17 by the department shall be deposited in the State Treasury to the
18 credit of the Fish and Game Preservation Fund. All moneys
19 deposited pursuant to this section shall be used for purposes relating
20 to conservation programs, projects, and activities by the
21 department.

22 1226. (a) The department may enter into one or more
23 agreements to accept funds from any person, nonprofit
24 organization, or other public or private entity for purposes relating
25 to conservation programs, projects, and activities by the
26 department. Any funds received pursuant to this section shall be
27 deposited in the Fish and Game Preservation Fund. The funds
28 received shall supplement existing resources for purposes relating
29 to conservation programs, projects, and activities by the
30 department.

31 (b) The department may enter into one or more agreements to
32 accept services from any person, nonprofit organization, or other
33 public or private entity for purposes relating to conservation
34 programs, projects, and activities by the department. Under the
35 direction of the department, these services shall supplement
36 existing staff resources. Agreements for services for the
37 management and operation of department-managed lands shall be
38 subject to the provisions of Section 1745.

39 1227. Notwithstanding any other provision of law, the
40 department may enter into one or more agreements with any

1 person, nonprofit organization, or other public or private entity,
2 as may be appropriate, to assist the department in its efforts to
3 secure long-term private funding sources for purposes relating to
4 conservation programs, projects, and activities by the department.
5 The authority to enter into agreements for the purposes of this
6 section shall include, but not be limited to, for the purposes of
7 securing donations, memberships, corporate and individual
8 sponsorships, and marketing and licensing agreements.

9 ~~SEC. 16. Section 1745 is added to the Fish and Game Code,~~
10 ~~to read:~~

11 ~~1745. (a) Commencing January 1, 2015, the purchase of an~~
12 ~~entry permit through the Automated License Data System or other~~
13 ~~means, as determined by the department, shall be required to access~~
14 ~~all department-managed lands for uses other than hunting and~~
15 ~~fishing. The user shall have the entry permit in his or her immediate~~
16 ~~possession while on department-managed lands. Failure to obtain~~
17 ~~a permit for hunting, fishing, wildlife viewing, wildlife~~
18 ~~photography, conservation education, fish and wildlife research,~~
19 ~~or other uses as required by regulations adopted by the commission,~~
20 ~~shall be an infraction as described in Section 12002.2.1. A person~~
21 ~~in possession of a valid hunting license, a sportfishing license, or~~
22 ~~a trapping license shall be exempt from the payment of an entry~~
23 ~~permit fee. Where, in the determination of the department, it is~~
24 ~~feasible and cost effective, the department shall make entry permits~~
25 ~~available for purchase onsite and shall also modify its online~~
26 ~~processes for purchase of entry permits to make these systems~~
27 ~~compatible for noneconsumptive users.~~

28 ~~(b) For purposes of this section, "noneconsumptive uses" means~~
29 ~~compatible uses other than hunting and fishing.~~

30 ~~SEC. 17. Section 2068 of the Fish and Game Code is amended~~
31 ~~to read:~~

32 ~~2068. "Candidate species" means a native species or subspecies~~
33 ~~of a bird, mammal, fish, amphibian, reptile, or plant that the~~
34 ~~commission or, after January 1, 2013, the department, has formally~~
35 ~~noticed as being under review by the department for addition to~~
36 ~~either the list of endangered species or the list of threatened species,~~
37 ~~or a species for which the commission has published a notice of~~
38 ~~proposed regulation to add the species to either list.~~

39 ~~SEC. 18. Section 2070 of the Fish and Game Code is amended~~
40 ~~to read:~~

1 ~~2070.—The department shall establish a list of endangered~~
2 ~~species and a list of threatened species. The department shall add~~
3 ~~or remove species from either list if it finds, upon the receipt of~~
4 ~~sufficient scientific information pursuant to this article, that the~~
5 ~~action is warranted.~~

6 ~~SEC. 19.—Section 2071 of the Fish and Game Code is amended~~
7 ~~to read:~~

8 ~~2071.—The department shall adopt guidelines by which an~~
9 ~~interested person may petition the department to add a species to,~~
10 ~~or to remove a species from, either the list of endangered or the~~
11 ~~list of threatened species.~~

12 ~~SEC. 20.—Section 2071.5 of the Fish and Game Code is~~
13 ~~amended to read:~~

14 ~~2071.5.—The department shall adopt criteria for determining if~~
15 ~~a species is endangered or threatened.~~

16 ~~SEC. 21.—Section 2072.7 of the Fish and Game Code is~~
17 ~~amended to read:~~

18 ~~2072.7.—The department may, in the absence of a petition from~~
19 ~~an interested party, prepare its own petition to add a species to, or~~
20 ~~remove a species from, either the list of endangered species or the~~
21 ~~list of threatened species. If the department prepares its own~~
22 ~~petition under this section, the department shall include the~~
23 ~~information specified in Section 2072.3. A department petition~~
24 ~~prepared pursuant to this section shall be considered as described~~
25 ~~in subdivision (b) of Section 2073.5, and is subject to Sections~~
26 ~~2074 to 2079, inclusive.~~

27 ~~SEC. 22.—Section 2073 of the Fish and Game Code is amended~~
28 ~~to read:~~

29 ~~2073.—Within 10 days of the receipt of a petition from an~~
30 ~~interested person under Section 2072.3, the director shall refer the~~
31 ~~petition to the appropriate staff within the department for~~
32 ~~evaluation.~~

33 ~~SEC. 23.—Section 2073.3 of the Fish and Game Code is~~
34 ~~amended to read:~~

35 ~~2073.3.—(a) The department shall publish a notice in the~~
36 ~~California Regulatory Notice Register of the receipt of a petition~~
37 ~~prepared pursuant to Section 2072.3 by the department, or by an~~
38 ~~interested party and referred to the department, pursuant to Section~~
39 ~~2073, or the commencement of an evaluation, to add a species to,~~
40 ~~remove a species from, or change the status of a species on, the~~

1 list of endangered species or the list of threatened species pursuant
2 to Section 2072.7. At a minimum, the notice shall include all of
3 the following:

- 4 (1) The scientific and common name of the species.
- 5 (2) Habitat type, if that information is available in the petition.
- 6 (3) The location where interested persons can submit information
7 to the department relating to the petitioned species.

8 (b) The department shall notify interested persons, pursuant to
9 Section 2078, by mail, of the notices prepared pursuant to
10 subdivision (a), and shall mail a copy of the notice to those persons.

11 SEC. 24. Section 2073.5 of the Fish and Game Code is
12 amended to read:

13 2073.5. (a) Within 90 days of receipt of the petition, the
14 department shall evaluate the petition on its face and in relation
15 to other relevant information the department possesses or receives,
16 and prepare a written evaluation report with one of the following
17 recommendations:

18 (1) Based upon the information contained in the petition, there
19 is not sufficient information to indicate that the petitioned action
20 may be warranted, and the petition should be rejected.

21 (2) Based upon the information contained in the petition, there
22 is sufficient information to indicate that the petitioned action may
23 be warranted, and the petition should be accepted and considered.

24 (b) The director may grant an extension of time, not to exceed
25 30 days, to allow the department additional time to further analyze
26 and evaluate the petition, and complete its evaluation report.

27 (c) The department's evaluation report shall include copies of,
28 or a list of, all information submitted to the department, pursuant
29 to subdivision (a) of Section 2073.4, during its evaluation of the
30 petition. If copies are not included, the report shall state where the
31 listed information is available for review.

32 SEC. 25. Section 2073.7 of the Fish and Game Code is
33 amended to read:

34 2073.7. A petitioner may amend a petition at any time prior to
35 the beginning of the meeting held by the department pursuant to
36 Section 2074.2. However, if the department determines that the
37 amendment is substantive, the department shall further review the
38 petition, pursuant to Section 2073.5, publish notice of the
39 amendment, pursuant to Section 2073.3, and renotice or continue

1 any hearing scheduled, pursuant to Section 2074, in order to
2 provide adequate opportunity for public comment.

3 SEC. 26. Section 2074 of the Fish and Game Code is amended
4 to read:

5 2074. The department shall schedule the petition for
6 consideration at a public meeting, but not sooner than 30 days after
7 receipt of the petition and public release of the evaluation report,
8 and distribute its pending agenda to interested persons pursuant
9 to Section 2078. The department also shall make the petition,
10 evaluation report, and other materials received available for review.

11 SEC. 27.

12 SEC. 17. Section 2074.2 of the Fish and Game Code is amended
13 to read:

14 2074.2. (a) At the meeting scheduled pursuant to Section 2074,
15 the director or the director's designee *commission* shall hold a
16 public hearing on the petition and shall receive information, written
17 or otherwise, and oral testimony. After the conclusion of oral
18 testimony from *the commission and* department staff, the petitioner,
19 or any other persons, the *department commission* may close the
20 public hearing and administrative record for the *department's*
21 *commission's* decision pursuant to this section.

22 (b) After the *department commission* closes the public hearing,
23 the administrative record for the *department's commission's*
24 decision is closed and it shall not be reopened except as provided
25 in subdivision (c). Once the public hearing is closed, no person
26 shall submit further information to the *department commission* for
27 consideration on that petition and the *department commission* shall
28 not accept any further information for consideration on that petition
29 except as provided in subdivision (c).

30 (c) The administrative record for the *department's commission's*
31 decision pursuant to this section shall not be reopened once the
32 *department commission* closes the public hearing unless one of
33 the following occurs prior to the *department's commission's*
34 decision:

35 (1) There is a change in state or federal law or regulation that
36 has a direct and significant impact on the *department's*
37 *commission's* determination as to whether the petition provides
38 sufficient information to indicate that the petitioned action may
39 be warranted.

(2) The ~~department~~ *commission* determines that it requires further information to evaluate whether the petition provides sufficient information to indicate that the petitioned action may be warranted. If the ~~department~~ *commission* makes that determination during its deliberation, the ~~department~~ *commission* may request, on the record at the scheduled meeting or at a continued meeting, further information on any issue relevant to making its determination as to whether the petition provides sufficient information to indicate that the petitioned action may be warranted. Any request by the ~~department~~ *commission* pursuant to this paragraph shall specify a date by which the information must be submitted to the ~~department~~ *commission* and shall serve to reopen the administrative record for the limited purpose of receiving further information relating to the issues specified by the ~~department~~ *commission* in the request. ~~Department Commission~~ *and department* staff, the petitioner, or any other person may submit information in response to a request pursuant to this paragraph.

~~(d) Within 90 days of the meeting scheduled pursuant to Section 2074, the department shall consider the petition, the department's written report, written comments received, and oral testimony provided during the public hearing, and the department shall make and publish in the California Regulatory Notice Register one of the following findings:~~

(d) In its discretion, the commission may either close the public hearing and continue the meeting on the petition for the purpose of deliberation or continue both the public hearing and the meeting on the petition to a subsequent date, which shall be no later than 90 days after the meeting scheduled pursuant to Section 2074, and subject to applicable notice and agenda requirements. If the commission closes the public hearing but continues the meeting for the purpose of deliberation, a person shall not submit, and the commission shall not receive, further information relating to the petition except as provided in subdivision (c).

(e) At the meeting scheduled pursuant to Section 2074 or at a continued meeting scheduled pursuant to subdivision (d), the commission shall consider the petition, the department's written report, written comments received, and oral testimony provided during the public hearing, and the commission shall make and enter in its record one of the following findings:

(1) If the ~~department~~ *commission* finds that the petition does not provide sufficient information to indicate that the petitioned action may be warranted, the ~~department~~ *commission* shall publish a notice of finding that the petition is rejected, including the reasons why the petition is not sufficient.

(2) If the ~~department~~ *commission* finds that the petition provides sufficient information to indicate that the petitioned action may be warranted, the ~~department~~ *commission* shall publish a notice of finding that the petition is accepted for consideration. If the accepted petition recommends the addition of a species to either the list of endangered species or the list of threatened species, the ~~department~~ *commission* shall include in the notice that the petitioned species is a candidate species. The ~~department~~ *commission* shall maintain a list of species which are candidate species.

(e)

(f) The ~~department~~ *commission* shall publish and distribute the findings relating to the petition pursuant to Section 2078.

(g) *This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.*

SEC. 28. ~~Section 2074.4 of the Fish and Game Code is amended to read:~~

~~2074.4. If a petition is accepted by the department for consideration, all reasonable attempts shall be made to notify affected and interested parties and to solicit data and comments on the petitioned action from as many persons as is practicable. In addition to department efforts to provide notification through distribution of the agenda and minutes pursuant to Section 2078, the department shall immediately undertake efforts to notify affected and interested parties. Methods of notification may include, but are not limited to, correspondence, newspaper notices, and press releases, and notification shall include notice to owners of that land which may provide habitat essential to the continued existence of the species, unless the director determines that ownership is so widespread, fragmented, or complex as to make individual notice impractical.~~

SEC. 18. *Section 2074.2 is added to the Fish and Game Code, to read:*

1 2074.2. (a) At the scheduled meeting, the commission shall
2 consider the petition, the department's written report, and
3 comments received, and the commission shall make and enter in
4 its public record one of the following findings:

5 (1) If the commission finds that the petition does not provide
6 sufficient information to indicate that the petitioned action may
7 be warranted, the commission shall publish a notice of finding
8 that the petition is rejected, including the reasons why the petition
9 is not sufficient.

10 (2) If the commission finds that the petition provides sufficient
11 information to indicate that the petitioned action may be warranted,
12 the commission shall publish a notice of finding that the petition
13 is accepted for consideration. If the accepted petition recommends
14 the addition of a species to either the list of endangered species
15 or the list of threatened species, the commission shall include in
16 the notice that the petitioned species is a candidate species. The
17 commission shall maintain a list of species which are candidate
18 species.

19 (b) The commission shall publish and distribute the findings
20 relating to the petition pursuant to Section 2078.

21 (c) This section shall become operative on January 1, 2017.

22 ~~SEC. 29.~~

23 SEC. 19. Section 2074.6 of the Fish and Game Code is amended
24 to read:

25 2074.6. (a) The department shall promptly commence a review
26 of the status of the species concerned in the petition. Within 12
27 months of the date of publication of a notice of acceptance of a
28 petition for consideration pursuant to paragraph (2) of subdivision
29 (d) of Section 2074.2, the department shall produce and make
30 publicly available on the department's Internet Web site a written
31 peer reviewed report, based upon the best scientific information
32 available to the department, which indicates whether the petitioned
33 action is warranted, which includes a preliminary identification of
34 the habitat that may be essential to the continued existence of the
35 species, and which recommends management activities and other
36 recommendations for recovery of the species. The department shall
37 amend the draft status review report as appropriate to incorporate
38 scientific information from the independent peer review. The
39 revised report shall be posted on the department's Internet Web
40 site for a minimum of 30 days for public review prior to the hearing

1 scheduled pursuant to Section 2075. ~~An~~ *The commission may grant*
2 *an extension of up to six months time may be granted* if the director
3 determines an extension is necessary to complete independent peer
4 review of the report, and to provide a minimum of 30 days for
5 public review of the peer reviewed report prior to the public hearing
6 specified in Section 2075.

7 *(b) This section shall remain in effect only until January 1, 2017,*
8 *and as of that date is repealed, unless a later enacted statute, that*
9 *is enacted before January 1, 2017, deletes or extends that date.*

10 SEC. 20. Section 2074.6 is added to the Fish and Game Code,
11 to read:

12 2074.6. (a) *The department shall promptly commence a review*
13 *of the status of the species concerned in the petition. Within 12*
14 *months of the date of publication of a notice of acceptance of a*
15 *petition for consideration by the commission pursuant to paragraph*
16 *(2) of subdivision (a) of Section 2074.2, the department shall*
17 *provide a written report to the commission, based upon the best*
18 *scientific information available to the department, which indicates*
19 *whether the petitioned action is warranted, which includes a*
20 *preliminary identification of the habitat that may be essential to*
21 *the continued existence of the species, and which recommends*
22 *management activities and other recommendations for recovery*
23 *of the species.*

24 *(b) This section shall become operative on January 1, 2017.*

25 ~~SEC. 30.~~

26 SEC. 21. Section 2074.8 of the Fish and Game Code is amended
27 to read:

28 2074.8. (a) Nothing in this article imposes any duty or
29 obligation for, or otherwise requires, the commission or the
30 department to undertake independent studies or other assessments
31 of any species when reviewing a petition and its attendant
32 documents and comments. However, the department shall seek
33 independent scientific peer review of the department's status report.
34 The director may approve an extension of time for completion of
35 the status report if necessary for the purposes of obtaining
36 independent peer review pursuant to Section 2074.6. ~~The~~
37 ~~Independent Scientific Advisory Panel, established pursuant to~~
38 ~~Section 715, may assist the department in identifying appropriate~~
39 ~~nondepartment scientists with expertise in the species being~~
40 ~~considered for listing to provide independent peer review.~~

1 **(b)** *This section shall remain in effect only until January 1, 2017,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2017, deletes or extends that date.*

4 ~~SEC. 31. Section 2075 of the Fish and Game Code is amended~~
5 ~~to read:~~

6 ~~2075. The department shall schedule the petition for final~~
7 ~~consideration at a public meeting within 30 days after closure of~~
8 ~~the public comment period on the departmental report provided~~
9 ~~pursuant to Section 2074.6 and shall distribute the pending agenda~~
10 ~~for that meeting pursuant to Section 2078. The department shall~~
11 ~~make the department's report, or copies thereof, which was~~
12 ~~provided, pursuant to Section 2074.6, available for review upon~~
13 ~~request.~~

14 ~~SEC. 22. Section 2074.8 is added to the Fish and Game Code,~~
15 ~~to read:~~

16 ~~2074.8. (a) Nothing in this article imposes any duty or~~
17 ~~obligation for, or otherwise requires, the commission or the~~
18 ~~department to undertake independent studies or other assessments~~
19 ~~of any species when reviewing a petition and its attendant~~
20 ~~documents and comments.~~

21 ~~(b) This section shall become operative on January 1, 2017.~~

22 ~~SEC. 32.~~

23 ~~SEC. 23. Section 2075.5 of the Fish and Game Code is amended~~
24 ~~to read:~~

25 ~~2075.5. (a) At the meeting scheduled pursuant to Section 2075,~~
26 ~~the director or the director's designee commission shall hold a~~
27 ~~public hearing on the petition and shall receive information, written~~
28 ~~or otherwise, and oral testimony. After the conclusion of oral~~
29 ~~testimony from department staff, the petitioner, or any other~~
30 ~~persons, the department commission may close the public hearing~~
31 ~~and the administrative record for the department's decision~~
32 ~~pursuant to this section.~~

33 ~~(b) After the department commission closes the public hearing~~
34 ~~the administrative record for the department's commission's~~
35 ~~decision is closed and it shall not be reopened except as provided~~
36 ~~in subdivision (c). Once the public hearing is closed no a person~~
37 ~~shall not submit further information to the department for~~
38 ~~consideration on that petition and the department commission shall~~
39 ~~not accept any further information for consideration on that petition~~
40 ~~except as provided in subdivision (c).~~

1 (c) The administrative record for the ~~department's~~ *commission's*
2 decision pursuant to this section shall not be reopened once the
3 department closes the public hearing unless one of the following
4 occurs prior to the ~~department's~~ *commission's* decision:

5 (1) There is a change in state or federal law or regulation that
6 has a direct and significant impact on the ~~department's~~
7 *commission's* determination as to whether the ~~petition provides~~
8 ~~sufficient information to indicate that the petitioned action~~
9 *petitioned action* is warranted.

10 (2) The ~~department~~ *commission* determines that it requires
11 further information to evaluate whether the ~~petition provides~~
12 ~~sufficient information to indicate that the petitioned action may~~
13 ~~be petitioned action~~ *is warranted*. If the ~~department~~ *commission*
14 makes that determination during its deliberation, the ~~department~~
15 *commission* may request, on the record at the scheduled meeting
16 or at a continued meeting, further information on any issue relevant
17 to making its determination as to whether the ~~petition provides~~
18 ~~sufficient information to indicate that the petitioned action~~
19 *petitioned action* is warranted. Any request by the ~~department~~
20 *commission* pursuant to this paragraph shall specify a date by which
21 the information must be submitted to the ~~department~~ *commission*
22 and shall serve to reopen the administrative record for the limited
23 purpose of receiving further information relating to the issues
24 specified by the ~~department~~ *commission* in the request. ~~Department~~
25 *Commission and department* staff, the petitioner, or any other
26 person may submit information in response to a request pursuant
27 to this paragraph.

28 ~~(d) Within 90 days of the meeting scheduled pursuant to Section~~
29 ~~2075, the department shall consider the petition, the department's~~
30 ~~written report, written comments received, and oral testimony~~
31 ~~provided during the public hearing, and the department shall make~~
32 ~~and publish in the California Regulatory Notice Register one of~~
33 ~~the following findings:~~

34 *(d) The commission, in its discretion, may either close the public*
35 *hearing and continue the meeting on the petition for the purpose*
36 *of deliberation or continue both the public hearing and the meeting*
37 *on the petition to a subsequent date which is no later than 90 days*
38 *after the meeting scheduled pursuant to Section 2075, and subject*
39 *to applicable notice and agenda requirements. If the commission*
40 *closes the public hearing but continues the meeting for the purpose*

1 of deliberation, a person shall not submit, and the commission
2 shall not receive, further information relating to the petition except
3 as provided in subdivision (c).

4 (e) At the meeting scheduled pursuant to Section 2075, or at a
5 continued meeting scheduled pursuant to subdivision (d), the
6 commission shall make one of the following findings:

7 (1) The petitioned action is not warranted, in which case the
8 finding shall be entered in the public records of the ~~department~~
9 ~~commission~~ and the petitioned species shall be removed from the
10 list of candidate species maintained pursuant to Section 2074.2.

11 (2) The petitioned action is warranted, in which case the
12 ~~department~~ commission shall publish a notice of that finding and
13 a notice of proposed rulemaking, pursuant to Section 11346.4 of
14 the Government Code, to add the species to, or remove the species
15 from, the list of endangered species or the list of threatened species.
16 Further proceedings of the ~~department~~ commission on the petitioned
17 action shall be made in accordance with Chapter 3.5 (commencing
18 with Section 11340) of Part 1 of Division 3 of Title 2 of the
19 Government Code.

20 (f) This section shall remain in effect only until January 1, 2017,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2017, deletes or extends that date.

23 ~~SEC. 33. Section 2076.5 of the Fish and Game Code is~~
24 ~~amended to read:~~

25 ~~2076.5. Notwithstanding Sections 2071 to 2075.5, inclusive,~~
26 ~~the department may adopt a regulation which adds a species to the~~
27 ~~list of endangered species or to the list of threatened species as an~~
28 ~~emergency regulation pursuant to Article 1.5 (commencing with~~
29 ~~Section 240) to Chapter 2 of Division 1 if the department finds~~
30 ~~that there is any emergency posing a significant threat to the~~
31 ~~continued existence of the species. The department shall notify~~
32 ~~affected or interested persons of the adoption of such an emergency~~
33 ~~regulation pursuant to the methods described in Section 2074.4.~~

34 ~~SEC. 34. Section 2077 of the Fish and Game Code is amended~~
35 ~~to read:~~

36 ~~2077. (a) The department shall review species listed as an~~
37 ~~endangered species or as a threatened species every five years to~~
38 ~~determine if the conditions that led to the original listing are still~~
39 ~~present. The review shall be conducted based on information which~~
40 ~~is consistent with the information specified in Section 2072.3 and~~

1 which is the best scientific information available to the department.
2 The review shall include a review of the identification of the habitat
3 that may be essential to the continued existence of the species and
4 the department's recommendations for management activities and
5 other recommendations for recovery of the species. The department
6 shall notify any person who has notified the department, in writing
7 with their address, of their interest, and the department may notify
8 any other person.

9 (b) ~~Review of species that are listed by both the commission or~~
10 ~~the department and the United States Department of Interior will~~
11 ~~be conducted in conjunction with the five-year review process of~~
12 ~~the United States Department of Interior.~~

13 (c) ~~Initial review of those species listed by the commission~~
14 ~~before January 1, 1982, that are not listed by the federal~~
15 ~~government shall be undertaken and completed by July 1, 1987.~~
16 ~~Initial review of those species listed by the commission or the~~
17 ~~department after January 1, 1982, that are not listed by the federal~~
18 ~~government shall be undertaken and completed within five years~~
19 ~~of the date the species was originally listed by the commission or~~
20 ~~the department.~~

21 (d) ~~Notwithstanding any other provision of this section, the~~
22 ~~department may review a species at any time based upon a petition~~
23 ~~or upon other data available to the department.~~

24 (e) ~~The department shall report in writing and make publicly~~
25 ~~available the results of its five-year review for each listed species.~~
26 ~~The department shall treat any report of the department under this~~
27 ~~subdivision which contains a recommendation to add a species to,~~
28 ~~or remove a species from, the list of endangered species or the list~~
29 ~~of threatened species as a department recommendation submitted~~
30 ~~pursuant to Section 2072.7.~~

31 SEC. 35. ~~Section 2078 of the Fish and Game Code is amended~~
32 ~~to read:~~

33 2078. (a) ~~To provide all interested persons access to~~
34 ~~information and notification of pending listing or delisting actions;~~
35 ~~the department shall distribute the related agenda of pending~~
36 ~~actions and those portions of its minutes of actions taken under~~
37 ~~this article to any individuals who have notified the department,~~
38 ~~in writing with their address, of their interest. This notification~~
39 ~~shall be published in the California Regulatory Notice Register~~
40 ~~and shall meet the requirements of public notice as required for~~

1 department action under Section 2073.3, 2074, 2074.2, 2075, or
2 2077.

3 (b) The department may impose an annual fee on those persons
4 who request inclusion on the list to be notified in order to offset
5 the cost of establishing and maintaining the list, and preparing and
6 mailing the notices. Fees received pursuant to this section shall be
7 deposited in the Fish and Game Preservation Fund.

8 SEC. 36. Section 2079 of the Fish and Game Code is amended
9 to read:

10 2079. The department shall, by January 30 of every third year,
11 beginning January 30, 1986, prepare a report summarizing the
12 status of all state listed endangered, threatened, and candidate
13 species, and shall submit the report to the Legislature, the
14 Governor, and all individuals who have notified the department,
15 in writing with their address, of their interest. This report shall
16 include, but not be limited to, a listing of those species designated
17 as endangered, threatened, and candidate species, a discussion of
18 the current status of endangered, threatened, or candidate species,
19 and the timeframes for the review of listed species pursuant to this
20 article.

21 SEC. 37. Section 2080 of the Fish and Game Code is amended
22 to read:

23 2080. No person shall import into this state, export out of this
24 state, or take, possess, purchase, or sell within this state, any
25 species, or any part or product thereof, that the commission or,
26 after January 1, 2013, the department determines to be an
27 endangered species or a threatened species, or attempt any of those
28 acts, except as otherwise provided in this chapter, the Native Plant
29 Protection Act (Chapter 10 (commencing with Section 1900) of
30 this code), or the California Desert Native Plants Act (Division 23
31 (commencing with Section 80001) of the Food and Agricultural
32 Code).

33 SEC. 38. Section 2082 of the Fish and Game Code is amended
34 to read:

35 2082. This chapter does not prohibit the sale of any endangered
36 species or threatened species, or any part or product thereof, when
37 the owner can demonstrate that the species, or part or product
38 thereof, was in the person's possession before the date upon which
39 the commission or, after January 1, 2013, the department listed
40 the species as an endangered species or threatened species or as

1 an endangered animal or rare animal prior to January 1, 1985, and
2 shall not prohibit the sale of that part or product by an individual
3 not normally engaged in that sale if it was originally possessed by
4 the seller for the seller's own use and so used by that seller.
5 However, it shall be unlawful to sell any species, or part or product
6 thereof, if that sale would have been unlawful prior to the date
7 upon which the commission added the species to the listing of
8 endangered species or threatened species or to the listing of
9 endangered animals or rare animals prior to January 1, 1985.

10 SEC. 39. Section 2084 of the Fish and Game Code is amended
11 to read:

12 2084. The department may authorize, subject to terms and
13 conditions it prescribes, the taking of any candidate species, or the
14 taking of any fish by hook and line for sport that is listed as an
15 endangered, threatened, or candidate species.

16 SEC. 24. Section 2075.5 is added to the Fish and Game Code,
17 to read:

18 2075.5. (a) At the meeting scheduled pursuant to Section 2075,
19 the commission shall make one of the following findings:

20 (1) The petitioned action is not warranted, in which case the
21 finding shall be entered in the public records of the commission
22 and the petitioned species shall be removed from the list of
23 candidate species maintained pursuant to Section 2074.2.

24 (2) The petitioned action is warranted, in which case the
25 commission shall publish a notice of that finding and a notice of
26 proposed rulemaking pursuant to Section 11346.4 of the
27 Government Code to add the species to, or remove the species
28 from, the list of endangered species or the list of threatened species.
29 Further proceedings of the commission on the petitioned action
30 shall be made in accordance with Chapter 3.5 (commencing with
31 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
32 Code.

33 (b) This section shall become operative on January 1, 2017.

34 SEC. 40.

35 SEC. 25. Section 2089.4 of the Fish and Game Code is amended
36 to read:

37 2089.4. As used in this article, the following definitions apply:

38 (a) "Agreement" means a state safe harbor agreement approved
39 by the department pursuant to this article. "Agreement" includes

1 an agreement with an individual landowner and a programmatic
2 agreement.

3 (b) “Baseline conditions” means the existing estimated
4 population size, the extent and quality of habitat, or both population
5 size and the extent and quality of habitat, for the species on the
6 land to be enrolled in the agreement that sustain seasonal or
7 permanent use by the covered species. Baseline conditions shall
8 be determined by the department, in consultation with the applicant,
9 and shall be based on the best available science and objective
10 scientific methodologies. For purposes of establishing baseline
11 conditions, a qualified person that is not employed by the
12 department may conduct habitat surveys, if that person has
13 appropriate species expertise and has been approved by the
14 department.

15 (c) “Department” means the Department of Fish and Wildlife,
16 acting through its director or his or her designee.

17 (d) “Landowner” means any person or nonstate or federal entity
18 or entities that lawfully hold any interest in land or water to which
19 they are committing to implement the requirements of this article.

20 (e) “Management actions” means activities on the enrolled land
21 or water that are reasonably expected by the department to provide
22 a net benefit to the species or their habitat, or both.

23 (f) “Monitoring program” means a program established or
24 approved by the department in accordance with subdivision (f) of
25 Section 2089.6.

26 (g) “Net conservation benefit” means the cumulative benefits
27 of the management activities identified in the agreement that
28 provide for an increase in a species’ population or the enhancement,
29 restoration, or maintenance of covered species’ suitable habitats
30 within the enrolled property. Net conservation benefit shall take
31 into account the length of the agreement, any offsetting adverse
32 effects attributable to the incidental taking allowed by the
33 agreement, and other mutually agreed upon factors. Net
34 conservation benefits shall be sufficient to contribute either directly
35 or indirectly to the recovery of the covered species. These benefits
36 include, but are not limited to, reducing fragmentation and
37 increasing the connectivity of habitats, maintaining or increasing
38 populations, enhancing and restoring habitats, and buffering
39 protected areas.

1 (h) “Programmatic agreement” means a state safe harbor
2 agreement issued to a governmental or nongovernmental program
3 administrator. The program administrator for a programmatic
4 agreement shall work with landowners and the department to
5 implement the agreement. The program administrator and the
6 department shall be responsible for ensuring compliance with the
7 terms of the agreement.

8 (i) “Qualified person” means a person with species expertise
9 who has been approved by the department.

10 (j) “Return to baseline” means, at the termination of an
11 agreement, activities undertaken by the landowner to return the
12 species population or extent or quality of habitat to baseline,
13 excluding catastrophic events such as floods, unplanned fires, or
14 earthquakes, and other factors mutually agreed upon prior to permit
15 issuance and that are beyond the control of the landowner.

16 ~~SEC. 41. Section 2090 is added to the Fish and Game Code,~~
17 ~~to read:~~

18 ~~2090. It is the intent of the Legislature that investments in~~
19 ~~habitat protection and restoration made as part of compensatory~~
20 ~~mitigation to retain and enhance biological values for listed species~~
21 ~~are perpetual and supported with long-term management. To extend~~
22 ~~the conservation benefits derived from these investments to public~~
23 ~~lands, it is the intent of the Legislature that the department work~~
24 ~~with the Bureau of Land Management and interested stakeholders~~
25 ~~to develop a viable solution that will ensure durable mitigation~~
26 ~~and protection of mitigation lands on federal lands in perpetuity.~~

27 ~~SEC. 42.~~

28 ~~SEC. 26. Section 2099 of the Fish and Game Code is amended~~
29 ~~to read:~~

30 2099. (a) For purposes of this section, the following terms
31 have the following meanings:

32 (1) “Eligible project” means a solar thermal powerplant,
33 photovoltaic powerplant, wind powerplant, or geothermal
34 powerplant meeting the requirements of paragraph (1) or (2) of
35 subdivision (b) of Section 2069 or meeting the definition of a
36 “covered activity” in the final Desert Renewable Energy
37 Conservation Plan, as approved by the department.

38 (2) “Energy Commission” means the State Energy Resources
39 Conservation and Development Commission.

1 (b) (1) The Renewable Energy Resources Development Fee
2 Trust Fund is hereby established in the State Treasury. The
3 department shall collect a fee from the owner or developer of an
4 eligible project that elects to use mitigation actions developed and
5 approved by the department pursuant to Section 2069, and all
6 moneys received for purposes of mitigation actions pursuant to
7 Section 2069 shall be deposited in the fund and shall be held in
8 trust and be expended solely for the purposes of, and in conformity
9 with, that section, applicable permit or certification requirements
10 for eligible projects, and any contractual agreement between the
11 Energy Commission or department and the owner or developer of
12 an eligible project. The department may contract with, or award
13 grants to, third parties to implement mitigation actions in
14 conformity with Section 2069 and this section.

15 (2) Upon direction by the department, the Controller shall create
16 any accounts or subaccounts within the fund that the department
17 determines are necessary or convenient to facilitate management
18 of the fund.

19 (3) The fund shall serve, and be managed, as an optional,
20 voluntary method for developers or owners of eligible projects to
21 deposit fees to complete mitigation actions meeting the conditions
22 of subdivision (c) of Section 2069 and for the purpose of meeting
23 the requirements of this chapter or the requirements of Chapter 6
24 (commencing with Section 25500) of Division 15 of the Public
25 Resources Code by funding mitigation actions implemented by
26 the department or third parties in a contractual relationship with
27 the department. Notwithstanding Section 13340 of the Government
28 Code, the money in the fund is hereby continuously appropriated
29 to the department, without regard to fiscal years, for the purposes
30 enumerated in this section and Section 2069. An expenditure shall
31 not be made from the fund except as authorized by the department.

32 (4) The sum of ten million dollars (\$10,000,000) previously
33 transferred, as a loan, from the Renewable Resource Trust Fund
34 to the fund shall be repaid from the fund to the Renewable
35 Resource Trust Fund no later than December 31, 2013. The
36 department shall use these funds, pursuant to paragraph (1) of
37 subdivision (c) of Section 2069, to purchase mitigation lands or
38 conservation easements, and to cover related restoration,
39 monitoring, and transaction costs incurred in advance of the receipt

1 of fees pursuant to paragraph (5) and to cover the department's
2 administrative costs for the program.

3 (5) A developer or owner of an eligible project that elects to
4 use mitigation actions developed and authorized by the department
5 pursuant to Section 2069 shall remit fees to the department for
6 deposit into the fund for those mitigation actions in an amount that
7 reflects the determination by the Energy Commission, with respect
8 to a solar thermal or geothermal powerplant subject to its
9 jurisdiction, or the department, with respect to a renewable energy
10 powerplant not subject to the Energy Commission's jurisdiction,
11 of the costs attributable to the mitigation actions that meet the
12 standards of this chapter. The amount of fees to be paid by a
13 developer or owner of an eligible project to meet the standards of
14 this chapter shall be calculated on a per acre basis, using total cost
15 accounting, and shall include, as applicable, land acquisition or
16 conservation easement costs, monitoring costs, restoration costs,
17 transaction costs, the amount of a perpetual endowment account
18 for land management or easement stewardship costs by the
19 department or other management entity, and administrative costs
20 and funds sufficient to repay any expenditure of state funds made
21 pursuant to paragraph (4). To ensure the funds deposited pursuant
22 to this section are sufficient to meet the standards of this chapter,
23 the project developer or owner, in addition to payment of those
24 funds, shall provide security, in a form and amount, not to exceed
25 5 percent of the amount of the funds, excluding any portion of the
26 funds to be used for a perpetual endowment, to be determined by
27 the Energy Commission, with respect to a solar thermal or
28 geothermal powerplant subject to its jurisdiction, or to be
29 determined by the department, with respect to a renewable energy
30 powerplant not subject to the Energy Commission's jurisdiction.

31 (c) The department shall monitor the implementation of the
32 mitigation actions and the progress of the construction of the
33 eligible projects. The department shall report all deposits, and the
34 source of those deposits, on its Internet Web site. The department
35 shall also report all expenditures from the fund on its Internet Web
36 site and identify the mitigation activities or programs that each
37 expenditure funded and its relationship to the permitted project.
38 The Energy Commission, with respect to a solar thermal or
39 geothermal powerplant subject to its jurisdiction, and the
40 department, with respect to a renewable energy powerplant not

1 subject to the Energy Commission's jurisdiction, shall ensure that
2 moneys paid pursuant to this section are used only for purposes
3 of satisfying the standards of paragraph (2) of subdivision (b) of
4 Section 2081. Where moneys are used to fund mitigation actions,
5 including the acquisition of lands or conservation easements, or
6 the restoration of lands, that use shall be in addition to, and not
7 duplicative of, mitigation obtained through any other means.

8 (d) The department and the Energy Commission shall not allow
9 any use of the interim mitigation strategy subsequent to a
10 determination by the department that the time and extent of
11 mitigation actions are not being implemented in rough proportion
12 to the impacts of those projects. The department shall reinstitute
13 the use of the interim mitigation strategy when the department
14 determines the rough proportionality between mitigation actions
15 and impacts of eligible projects has been reestablished by the
16 completion of additional mitigation actions.

17 ~~SEC. 43.~~

18 *SEC. 27.* Section 2536 of the Fish and Game Code is amended
19 to read:

20 2536. (a) It is unlawful for any person to engage in the business
21 of guiding or packing, or to act as a guide for any consideration
22 or compensation whatever, without first having secured a guide
23 license from the department.

24 (b) An employee of a licensee who acts as a guide only in
25 connection with, and within the scope of, his or her employment
26 is exempt from the requirement of subdivision (a) if all of the
27 following conditions are met:

28 (1) If the employment is subject to and the person is reported
29 to the carrier of the employer's workers' compensation insurance.

30 (2) If the person is subject and reported to the state and federal
31 taxing authorities for withholding of income tax.

32 (3) If the person is reported to the department, on forms provided
33 by the department, as an employee of the guide prior to any contact
34 with any person being guided, and a registration fee has been paid.
35 The base fee for an employee guide registration for the 2004 license
36 year shall be thirty-three dollars (\$33), which shall be adjusted
37 annually thereafter pursuant to Section 713.

38 (c) A person who is licensed in another state to provide guide
39 services for the purposes of fishing is exempt from the requirements
40 of subdivision (a) if all of the following conditions are met:

1 (1) The state in which the person is licensed grants a similar
2 exemption to licensed guides who are residents of this state.

3 (2) Evidence of a valid guide license is provided to the
4 department upon request.

5 (3) The person is engaged in the business of guiding only in
6 conjunction with and during the term of a multistate fishing
7 tournament approved by the appropriate agency in each of the
8 affected states.

9 (4) The tournament sponsor provides to the department any
10 information or documents necessary to administer and enforce this
11 paragraph, as determined by the department, including, but not
12 limited to, the identities of all guides participating in the
13 tournament, verification of another state's license exemption, and
14 information sufficient to determine the validity of another state's
15 guide licenses.

16 (5) The tournament sponsor pays the department an amount,
17 determined by the department, to be sufficient to cover the
18 department's cost to administer and enforce this subdivision.

19 (6) The net proceeds of the tournament are used for resource
20 management projects or habitat improvement projects, or both.

21 (d) The commission shall adjust the amount of the fees specified
22 in paragraph (3) of subdivision (b), as necessary, to fully recover,
23 but not exceed, all reasonable administrative and implementation
24 costs of the department and the commission relating to those
25 licenses.

26 ~~SEC. 44.~~

27 *SEC. 28.* Section 2540 of the Fish and Game Code is amended
28 to read:

29 2540. (a) The base fee for a guide license issued to a resident
30 is one hundred fifty dollars (\$150).

31 (b) The base fee for a guide license issued to a nonresident is
32 three hundred fifty dollars (\$350).

33 (c) A guide license is valid for the license year beginning on
34 February 1 and ending on January 31 of the succeeding year or, if
35 issued after the beginning of the license year, for the remainder of
36 that license year.

37 (d) The base fees specified in this section are applicable to the
38 2004 license year, and shall be adjusted annually thereafter
39 pursuant to Section 713.

1 (e) The commission shall adjust the amount of the fees specified
2 in subdivisions (a), (b), and (d), as necessary, to fully recover, but
3 not exceed, all reasonable administrative and implementation costs
4 of the department and the commission relating to those licenses.

5 ~~SEC. 45.~~

6 *SEC. 29.* Section 3031.2 of the Fish and Game Code is amended
7 to read:

8 3031.2. (a) In addition to Sections 714 and 3031, and
9 notwithstanding Section 3037, the department shall issue lifetime
10 hunting licenses under this section. A lifetime hunting license
11 authorizes the taking of birds and mammals anywhere in this state
12 in accordance with the law for purposes other than profit for the
13 life of the person to whom issued unless revoked for a violation
14 of this code or regulations adopted under this code. A lifetime
15 hunting license is not transferable. A lifetime hunting license does
16 not include any special tags, stamps, or fees.

17 (b) A lifetime hunting license may be issued to residents of this
18 state, as follows:

19 (1) To a person 62 years of age or over, upon payment of a base
20 fee of three hundred sixty-five dollars (\$365).

21 (2) To a person 40 years of age or over, and less than 62 years
22 of age, upon payment of a base fee of five hundred forty dollars
23 (\$540).

24 (3) To a person 10 years of age or over, and less than 40 years
25 of age, upon payment of a base fee of six hundred dollars (\$600).

26 (4) To a person less than 10 years of age, upon payment of a
27 base fee of three hundred sixty-five dollars (\$365).

28 (c) Nothing in this section requires a person less than 16 years
29 of age to obtain a license to take birds or mammals except as
30 required by law.

31 (d) Nothing in this section exempts an applicant for a license
32 from meeting other qualifications or requirements otherwise
33 established by law for the privilege of sport hunting.

34 (e) The base fees specified in this section are applicable
35 commencing January 1, 2004, and shall be adjusted annually
36 thereafter pursuant to Section 713.

37 (f) The commission shall adjust the amount of the fees specified
38 in subdivision (b), as necessary, to fully recover, but not exceed,
39 all reasonable administrative and implementation costs of the
40 department and the commission relating to those licenses.

1 ~~SEC. 46.~~

2 *SEC. 30.* Section 6651 of the Fish and Game Code is amended
3 to read:

4 6651. (a) A license granting the privilege to harvest kelp or
5 other aquatic plants shall be issued upon application and the
6 payment of a fee of one hundred dollars (\$100) to the department.
7 The license shall be valid from January 1 to December 31,
8 inclusive, or, if issued after the beginning of that term, for the
9 remainder thereof.

10 (b) The commission shall adjust the amount of the fees specified
11 in subdivision (a), as necessary, to fully recover, but not exceed,
12 all reasonable administrative and implementation costs of the
13 department and the commission relating to those licenses.

14 (c) This chapter does not apply to aquatic plants grown on
15 private land or on state water bottoms leased pursuant to Division
16 12 (commencing with Section 15000).

17 ~~SEC. 47.~~

18 *SEC. 31.* Section 7149.8 of the Fish and Game Code is amended
19 to read:

20 7149.8. (a) A person shall not take abalone from ocean waters
21 unless he or she first obtains, in addition to a valid California sport
22 fishing license and any applicable license validation or stamp
23 issued pursuant to this code, an abalone report card, and maintains
24 that report card in his or her possession while taking abalone.

25 (b) The department or an authorized license agent shall issue
26 an abalone report card upon payment of a fee of fifteen dollars
27 (\$15) in the 2004 license year, which shall be adjusted annually
28 thereafter pursuant to Section 713.

29 (c) The commission shall adjust the amount of the fees specified
30 in subdivision (b) as necessary, to fully recover, but not exceed,
31 all reasonable administrative and implementation costs of the
32 department and the commission relating to those licenses.

33 ~~SEC. 48.~~

34 *SEC. 32.* Section 8598.3 of the Fish and Game Code is amended
35 to read:

36 8598.3. (a) The fee for a marine aquaria collector's permit
37 shall be three hundred thirty dollars (\$330).

38 (b) A person engaged in taking, possessing, or landing marine
39 species under a marine aquaria collector's permit shall not take,
40 possess aboard a boat, or land any species under the authority of

1 a scientific collector's permit issued pursuant to Section 1002,
2 5515, or 10660 on the same fishing trip.

3 (c) The commission shall adjust the amount of the fees specified
4 in subdivision (a) as necessary, to fully recover, but not exceed,
5 all reasonable administrative and implementation costs of the
6 department and the commission relating to those licenses.

7 ~~SEC. 49.~~

8 *SEC. 33.* Section 12028 is added to the Fish and Game Code,
9 to read:

10 12028. The Legislature finds and declares that:

11 (a) Poaching violations and other violations of the Fish and
12 Game Code have been increasing, and these violations have a
13 detrimental impact on fish and wildlife and their habitats, which
14 are held in trust by the state for the benefit of the people of the
15 state.

16 (b) In order to deter illegal poaching and other violations that
17 adversely impact fish and wildlife, it is important that the
18 department coordinate with other law enforcement entities and the
19 courts to facilitate effective enforcement and prosecution of these
20 offenses.

21 (c) ~~It is the intent of the Legislature that the~~ *The* department be
22 encouraged, to the extent feasible and subject to available
23 resources, ~~to~~ *shall* establish and coordinate an environmental
24 crimes task force. The task force should involve the participation
25 of the department's Office of General Counsel working with each
26 of the department's law enforcement districts. The task force may
27 include coordination with representatives from the California
28 District Attorneys' Association, the Judicial Council, the Attorney
29 General's office, and the University of California. Objectives of
30 the task force may include, but are not limited to, providing
31 training, education, and outreach to prosecutors and the courts on
32 Fish and Game Code violations and providing other assistance as
33 appropriate in the prosecution of environmental crimes.

34 ~~SEC. 50. Section 13014 of the Fish and Game Code is amended~~
35 ~~to read:~~

36 ~~13014. (a) There are hereby established, initially in the Special~~
37 ~~Deposit Fund, continued in existence by Section 16370 of the~~
38 ~~Government Code, both of the following accounts:~~

39 ~~(1) The Fish and Game Mitigation and Protection Endowment~~
40 ~~Principal Account. The department shall deposit in this account~~

1 the endowment funds received by the department pursuant to an
2 agreement described in subdivision (b) and all earnings generated
3 thereon. Notwithstanding Section 13340 of the Government Code,
4 and subject to the limitations imposed by subdivision (d) of Section
5 18504 of the Probate Code, the moneys in the account established
6 by this paragraph are hereby continuously appropriated to the
7 department for expenditure without regard to fiscal years, for the
8 purposes of funding long-term management, enhancement,
9 monitoring, and enforcement activities on habitat lands in a manner
10 consistent with the terms of the underlying agreement.

11 (2) ~~The Fish and Game Mitigation and Protection Expendable~~
12 ~~Funds Account. The department shall deposit in this account~~
13 ~~moneys, received pursuant to an agreement described in~~
14 ~~subdivision (b), that are not endowment funds and that are~~
15 ~~designated for expenditure for the purposes described in paragraph~~
16 ~~(2) of that subdivision. Notwithstanding Section 13340 of the~~
17 ~~Government Code, the moneys in the account established by this~~
18 ~~paragraph are hereby continuously appropriated to the department~~
19 ~~for expenditure without regard to fiscal year, for the purposes~~
20 ~~described in this section.~~

21 (b) (1) The department may deposit moneys into the accounts
22 established pursuant to subdivision (a) that it receives pursuant to
23 any of the following, if those moneys are received for the purposes
24 described in paragraph (2):

25 (A) ~~Agreements or permits pursuant to the Natural Communities~~
26 ~~Conservation Planning Act (Chapter 10 (commencing with Section~~
27 ~~2800) of Division 3).~~

28 (B) ~~Conservation bank agreements.~~

29 (C) ~~Habitat conservation implementation agreements.~~

30 (D) ~~Incidental take permits.~~

31 (E) ~~Legal or other written settlements.~~

32 (F) ~~Mitigation agreements.~~

33 (G) ~~Streambed or lakebed alteration agreements.~~

34 (H) ~~Trust agreements.~~

35 (2) ~~The department may deposit the moneys received pursuant~~
36 ~~to an agreement described in paragraph (1) in an account~~
37 ~~established by this section only if it receives those moneys for at~~
38 ~~least one of the following purposes:~~

39 (A) ~~Mitigating the adverse biological impacts of a specific~~
40 ~~project, activity, spill, or release.~~

1 ~~(B) Protecting, conserving, restoring, enhancing, managing, and~~
2 ~~maintaining fish, wildlife, native plants, or their habitats.~~

3 ~~(e) While the Fish and Game Mitigation and Protection~~
4 ~~Endowment Principal Account and the Fish and Game Mitigation~~
5 ~~and Protection Expendable Funds Account are initially established~~
6 ~~in the Special Deposit Fund within the Pooled Money Investment~~
7 ~~Account, the Treasurer's office shall, at the department's request,~~
8 ~~transfer these funds from the Pooled Money Investment Account~~
9 ~~to another account within the State Treasury system to increase~~
10 ~~earnings over time while providing adequate liquidity. If either or~~
11 ~~both of these accounts are transferred from the Pooled Money~~
12 ~~Investment Account, assets in the transferred account or accounts~~
13 ~~may be held and invested pursuant to subdivision (d).~~

14 ~~(d) Notwithstanding the provisions of this chapter and any~~
15 ~~conflicting provisions of Part 2 (commencing with Section 16300)~~
16 ~~of Division 4 of the Government Code, the department may do all~~
17 ~~of the following:~~

18 ~~(1) Invest or direct the investment of the assets of the Fish and~~
19 ~~Game Mitigation and Protection Endowment Principal Account~~
20 ~~and the Fish and Game Mitigation and Protection Expendable~~
21 ~~Funds Account through the purchase, holding, or sale of any~~
22 ~~investment, financial instrument, or financial transaction when the~~
23 ~~investment, financial instrument, or financial transaction is prudent~~
24 ~~in the informed opinion of the department.~~

25 ~~(2) For the purposes of developing and maintaining an~~
26 ~~investment strategy for these accounts, the department may retain~~
27 ~~investment advisers deemed acceptable to the Treasurer in the~~
28 ~~Treasurer's reasonable discretion.~~

29 ~~(3) For the purposes of managing and investing assets in these~~
30 ~~accounts, the department may contract with a person or public,~~
31 ~~private, or nonprofit entity that is experienced, knowledgeable,~~
32 ~~and has demonstrated expertise in the management of diverse~~
33 ~~investment portfolios and that is deemed acceptable to the~~
34 ~~Treasurer in the Treasurer's reasonable discretion.~~

35 ~~(e) The department shall hold, manage, and invest all moneys~~
36 ~~in the accounts established pursuant to subdivision (a) consistent~~
37 ~~with the management and investment principles set forth in the~~
38 ~~Uniform Prudent Management of Institutional Funds Act (Part 7~~
39 ~~(commencing with Section 18501) of Division 9 of the Probate~~
40 ~~Code).~~

1 ~~SEC. 51.~~

2 ~~SEC. 34.~~ Section 13205 is added to the Fish and Game Code,
3 to read:

4 13205. The Augmented Deer Tags Account, Bighorn Sheep
5 Permit Account, and Wild Pig Account, within the Fish and Game
6 Preservation Fund, shall be consolidated and any remaining funds
7 in these accounts transferred to the Big Game Management
8 Account, consistent with Section 3953. The department, after
9 consultation with the Department of Finance and the Legislative
10 Analyst's Office, shall provide recommendations to the Legislature
11 for consolidation of additional dedicated accounts within the Fish
12 and Game Preservation Fund if, in the determination of the
13 department, consolidation would serve to reduce administrative
14 costs to the department and enhance its ability to meet current
15 needs, while still preserving the generally stated purpose of the
16 dedicated accounts.

17 ~~SEC. 52.~~

18 ~~SEC. 35.~~ Section 12805 of the Government Code is amended
19 to read:

20 12805. (a) The Resources Agency is hereby renamed the
21 Natural Resources Agency. The Natural Resources Agency consists
22 of the departments of Forestry and Fire Protection, Conservation,
23 Fish and Wildlife, ~~Boating and Waterways~~, *Delta Stewardship*
24 *Council*, Parks and Recreation, ~~Resources Recycling and Recovery~~,
25 and Water Resources; the State Lands Commission; the Colorado
26 River Board; the San Francisco Bay Conservation and
27 Development Commission; the Central Valley Flood Protection
28 Board; the Energy Resources Conservation and Development
29 Commission; the Wildlife Conservation Board; the Delta Protection
30 Commission; *the Office of Exposition Park*; the Native American
31 Heritage Commission; the California Conservation Corps; the
32 California Coastal Commission; the State Coastal Conservancy;
33 the California Tahoe Conservancy; the Santa Monica Mountains
34 Conservancy; the Coachella Valley Mountains Conservancy; the
35 San Joaquin River Conservancy; the San Gabriel and Lower Los
36 Angeles Rivers and Mountains Conservancy; the Baldwin Hills
37 Conservancy; the San Diego River Conservancy; and the Sierra
38 Nevada Conservancy.

39 (b) ~~No existing~~ Existing supplies, forms, insignias, signs, or
40 logos shall *not* be destroyed or changed as a result of changing the

1 name of the Resources Agency to the Natural Resources Agency,
2 and those materials shall continue to be used until exhausted or
3 unserviceable.

4 ~~SEC. 53.~~

5 *SEC. 36.* Section 4800 of the Labor Code is amended to read:

6 4800. (a) Whenever any member of the Department of Justice
7 falling within the “state peace officer/firefighter” class is disabled
8 by injury arising out of and in the course of his or her duties, he
9 or she shall become entitled, regardless of his or her period of
10 service with the Department of Justice to leave of absence while
11 so disabled without loss of salary, in lieu of disability payments
12 under this chapter, for a period of not exceeding one year. This
13 section shall apply only to members of the Department of Justice
14 whose principal duties consist of active law enforcement and shall
15 not apply to persons employed in the Department of Justice whose
16 principal duties are those of telephone operator, clerk, stenographer,
17 machinist, mechanic or otherwise clearly not falling within the
18 scope of active law enforcement service, even though this person
19 is subject to occasional call or is occasionally called upon to
20 perform duties within the scope of active law enforcement service.

21 (b) This section shall apply to law enforcement officers
22 employed by the Department of Fish and Wildlife who are
23 described in subdivision (e) of Section 830.2 of the Penal Code.

24 (c) This section shall apply to harbor policemen employed by
25 the San Francisco Port Commission who are described in Section
26 20017.76 of the Government Code.

27 (d) This section shall not apply to periods of disability which
28 occur subsequent to termination of employment by resignation,
29 retirement or dismissal. When this section does not apply, the
30 employee shall be eligible for those benefits which would apply
31 if this section had not been enacted.